



New South Wales

Children (Criminal Proceedings) Amendment (Parole) Regulation 2000

under the

Children (Criminal Proceedings) Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children (Criminal Proceedings) Act 1987*.

J. W. SHAW, Q.C., M.L.C.,
Attorney General

Explanatory note

The object of this Regulation is to transfer to the *Children (Criminal Proceedings) Regulation 1995* certain provisions of the repealed *Sentencing (Children) Regulation 1995* in relation to sentencing.

This Regulation is made under the *Children (Criminal Proceedings) Act 1987*, including section 51 (the general power to make regulations) and section 33C (which applies certain provisions of the *Crimes (Sentencing Procedure) Act 1999* to criminal proceedings against children).

2000 No 130

Clause 1 Children (Criminal Proceedings) Amendment (Parole) Regulation 2000

Children (Criminal Proceedings) Amendment (Parole) Regulation 2000

1 Name of Regulation

This Regulation is the *Children (Criminal Proceedings) Amendment (Parole) Regulation 2000*.

2 Commencement

This Regulation commences on 3 April 2000.

3 Amendment of Children (Criminal Proceedings) Regulation 1995

The *Children (Criminal Proceedings) Regulation 1995* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

applied Act means the *Crimes (Sentencing Procedure) Act 1999*, as applied by section 33C of the *Children (Criminal Proceedings) Act 1987*.

juvenile justice officer means a juvenile justice officer employed within the Department of Juvenile Justice.

parole order means an order, whether made under the applied Act or otherwise, directing the release of a detainee from a detention centre on parole.

[2] Clause 3 (2)

Insert at the end of clause 3:

- (2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

[3] Clauses 11, 12 and 13

Omit clause 11. Insert instead:

11 Consultation required before conditions as to residence or treatment imposed on parole

- (1) Before the Children's Court makes a parole order containing terms or conditions relating to residence or treatment, the court:
 - (a) must consider a report from a juvenile justice officer as to the offender's circumstances, and
 - (b) must satisfy itself, having regard to the juvenile justice officer's report, that it is feasible to secure compliance with the terms or conditions.

2000 No 130

Children (Criminal Proceedings) Amendment (Parole) Regulation 2000

Schedule 1 Amendments

- (2) Before the Children's Court makes a parole order containing terms or conditions requiring the co-operation of a person other than the offender or a juvenile justice officer, it must obtain the consent of the person to the specification of those terms and conditions in so far as they require the person's co-operation.

12 Parole orders: section 50 of applied Act

- (1) A parole order made by the Children's Court must be reduced to writing using Form 1 or 2, whichever is appropriate.
- (2) A copy of the order must be given to the offender, and further copies are to be sent to the following persons:
 - (a) the centre manager of the detention centre in which the offender is to be kept,
 - (b) the Director-General of the Department of Juvenile Justice.
- (3) Copies of the order sent to the centre manager of the detention centre are, if practicable, to be sent so as to arrive at the detention centre at or before the time the detainee arrives.

13 Warrants of commitment: section 62 of applied Act

For the purposes of section 62 (2) of the applied Act, the prescribed form for a warrant of commitment to detention in a detention centre is Form 3.

[4] Schedule 1

Insert at the end of the Regulation:

2000 No 130

Children (Criminal Proceedings) Amendment (Parole) Regulation 2000

Amendments

Schedule 1

Schedule 1 Forms

(Clause 3)

Form 1

(Clause 12)

**PAROLE ORDER MADE BY CHILDREN'S COURT
(UNSUPERVISED PAROLE)**

(Children (Criminal Proceedings) Act 1987, section 33C,
Crimes (Sentencing Procedure) Act 1999, section 50)

1 Sentence details

Case No:
Date of control order:
Children's Court at:
Offender:
Date of Birth:
Offence:

Particulars of detention imposed by Children's Court

Term of:
to commence on:
*Non-parole period of:
*The above term of detention is to be served cumulatively on the
sentence of:
that commenced on:

2000 No 130

Children (Criminal Proceedings) Amendment (Parole) Regulation 2000

Schedule 1 Amendments

2 Release details

Pursuant to the provisions of the *Crimes (Sentencing Procedure) Act 1999*, as applied to the Children's Court by section 33C of the *Children (Criminal Proceedings) Act 1987*, the Children's Court directs that the offender be released on parole at the expiration of the non-parole period of the sentence. Unless sooner revoked, this order remains in force until the end of the above term of imprisonment.

3 Standard conditions

This order is subject to the conditions prescribed by the regulations under the *Children (Detention Centres) Act 1987*.

Note: a copy of the standard conditions must be attached to this order.

4 Additional conditions

The order is also subject to the following conditions:

.....
.....
.....

Date of order:

Signed: Date:
(*Justice of the Peace*)

I acknowledge that I understand the conditions on which I am released on parole.

Signed:
(*Offender*)

2000 No 130

Children (Criminal Proceedings) Amendment (Parole) Regulation 2000

Amendments

Schedule 1

Witness:

Name:

Address:

The offender was released from custody on

Signed: ..
(Centre manager of detention centre)

Date:

* delete if not applicable

2000 No 130

Children (Criminal Proceedings) Amendment (Parole) Regulation 2000

Schedule 1 Amendments

Form 2

(Clause 12)

**PAROLE ORDER MADE BY CHILDREN'S COURT
(SUPERVISED PAROLE)**

(Children (Criminal Proceedings) Act 1987, section 33C,
Crimes (Sentencing Procedure) Act 1999, section 50)

1 Sentence details

Case No:
Date of control order:
The Children's Court at:
Offender:
Date of Birth:
Offence:

Particulars of detention imposed by Children's Court

Term of:
to commence on:
*Non-parole period of:
*The above term of detention is to be served cumulatively on the
sentence of:
that commenced on:

2 Release details

Pursuant to the provisions of the *Crimes (Sentencing Procedure) Act 1999*, as applied to the Children's Court by section 33C of the *Children (Criminal Proceedings) Act 1987*, the Children's Court directs that the offender be released on parole at the expiration of the non-parole period of the sentence. Unless sooner revoked, this order remains in force until the end of the above term of imprisonment.

2000 No 130

Children (Criminal Proceedings) Amendment (Parole) Regulation 2000

Amendments

Schedule 1

3 Supervision

The offender must, *until /*until the order ceases to have effect, submit to the supervision and guidance of:

.....

4 Standard conditions

This order is subject to the conditions (including the conditions relating to supervision) prescribed by the regulations under the *Children (Detention Centres) Act 1987*.

Note: a copy of the standard conditions must be attached to this order.

5 Additional conditions

The order is also subject to the following conditions:

.....

.....

Date of order:

Signed: Date:
(*Justice of the Peace*)

I acknowledge that I understand the conditions on which I am released on parole.

Signed:
(*Offender*)

2000 No 130

Children (Criminal Proceedings) Amendment (Parole) Regulation 2000

Schedule 1 Amendments

Witness:

Name:

Address:

The offender was released from custody on

Signed:

(Centre manager of detention centre)

Date:

* delete if not applicable

Form 3

(Clause 13)

WARRANT OF COMMITMENT TO DETENTION CENTRE

(Children (Criminal Proceedings) Act 1987, section 33C,
Crimes (Sentencing Procedure) Act 1999, section 62)

TO THE CENTRE MANAGER of the detention centre at in the State of New South Wales

WHEREAS of (*the offender*) has been found guilty by the Court of the following offence or offences:

.....
AND WHEREAS the Court has made a detention order requiring the offender to be detained in a detention centre for a period of ,

YOU ARE HEREBY DIRECTED to receive the offender into your custody there and (subject to the *Children (Detention Centres) Act 1987* and to any order under that Act) to detain the offender there for the term of the offender's sentence.

.....
Justice of the Peace

Date:

TO ALL POLICE OFFICERS in the State of New South Wales

By virtue of section 62 of the *Crimes (Sentencing Procedure) Act 1999*, as applied by section 33C of the *Children (Criminal Proceedings) Act 1987*, this warrant is sufficient authority for you to convey the offender named in this warrant to the detention centre specified in this warrant and to deliver the offender into the custody of the centre manager of that detention centre.

BY AUTHORITY